

Exhibit 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EPIC GAMES, INC., a Maryland Corporation,

Plaintiff,

v.

GOOGLE LLC; GOOGLE IRELAND LIMITED;
GOOGLE COMMERCE LIMITED; GOOGLE
ASIA PACIFIC PTE. LTD.; and GOOGLE
PAYMENT CORP.,

Defendants.

Case No. 3:20-cv-05671-JD

**EPIC GAMES, INC.'S RESPONSES
AND OBJECTIONS TO GOOGLE'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
TO EPIC GAMES, INC.**

other Requests, including Request No. 24.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 26: All Documents Relating to Your inability to or decision not to Distribute each of Your Apps and In-App Products through any Other App Store because of any act by Google, including, but not limited to, as a result of any provision of the Developer Distribution Agreement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 27: All Documents Relating to Your inability to or decision not to Distribute each or any of Your Apps and In-App Products through any App Store because of any act by a Person other than Google.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the Request as vague and ambiguous, including the phrase “because of any act by a Person other than Google”. Epic further objects to the extent the Request purports to require Epic to draw subjective or legal conclusions, or is predicated on subjective or legal conclusions or arguments. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 28: All Documents Relating to the compatibility or incompatibility of Your App Products across OSs, including, but not limited to, whether the personal information, account details, settings, or data a User shares, inputs, or selects on Your Apps on an Android Device is available and accessible to the User on an Apple Device or other Platform, and vice versa.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request is duplicative of other Requests, including Request No. 29.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 29: All Documents Relating to the compatibility or incompatibility of Your In-App Products across OSs, including, but not limited to, whether the In-App Products a User purchases on Your Apps on an Android Device are available and accessible to the User on an Apple Device or other Platform, and vice versa.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request is duplicative of other Requests, including Request No. 28.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce

responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 30: All Documents Relating to the ability or inability of Unreal Engine to reduce multiplatform development costs.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 31: All Documents Relating to the differences, if any, between the Apps You Developed or are Developing for Android OS and Apple iOS, including, but not limited to, differences in design, functionality, performance, features, price, development costs, monetization strategy, or display of in-app advertising.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 32: All Documents Relating to prices, Fees, services, and terms of use of the Epic Payment Tool in connection with Your Distribution of Apps and In-App Products on Epic Games Store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks

proportional to the needs of the case. Epic further objects to the extent the Request seeks

documents already in Google's possession.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 42: All Documents Relating to Your decision not to Distribute Your App or In-App Products through a Distribution Channel or App Store other than Google Play because of (a) Google's purported restrictions on Downloading competing App Stores through Google Play, or (b) any other reason.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection. Epic further objects to the Request to the extent it assumes facts that are not accurate or the occurrence of events that did not take place.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 43: All Documents Relating to any actions by Google that restricted or limited Your ability to access, Distribute, or sell Your Apps or In-App Products through a Distribution Channel other than Google Play.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request is duplicative of other Requests, including Request No. 20.

Subject to and without waiving the foregoing General and Specific Objections, Epic

grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request purports to require Epic to draw subjective conclusions, or is predicated on subjective conclusions or arguments. Epic further objects to the extent the Request seeks information that is publicly available. Epic further objects to the extent the Request seeks documents that are not in Epic's possession, custody or control. Epic further objects to the extent the Request seeks documents already in Google's possession.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 49: All Documents Relating to Your strategy, plans, or efforts to market, publicize, advertise, or monetize Your Apps and In-App Products on different App Stores or Platforms, including, but not limited to, strategies, plans, or efforts to increase the number of users on Your Apps, the volume of Downloads of Your Apps, and the number of In-App purchases.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection. Epic further objects to the extent the Request seeks information that is publicly available.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 50: All Documents Relating to Your plans to develop and Distribute Apps and In-App Products, including, but not limited to, the particular

Platform and App Store through which You are, or are planning to, Distribute Your Apps and In-App Products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 51: All Documents Relating to Your decision not to develop or launch an App Store on Android.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 52: All Documents Relating to the number of Android Device users that have installed Your Apps via Sideloaded.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request is duplicative of other Requests, including Request Nos. 11 and 23.

1 that search.

2 **REQUEST FOR PRODUCTION NO. 64:** All Documents Relating to Your
3 analysis of the advantages and disadvantages of Distributing Your Apps through Other App Stores,
4 including, but not limited to, Pricing Models, target users, Distribution, competition, revenue, sales,
5 profits, or market share.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:** Epic objects on the
7 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not
8 proportional to the needs of the case. Epic further objects to the extent the Request seeks
9 documents protected by the attorney-client privilege, the work product doctrine and/or any other
10 applicable privilege or protection.

11 Subject to and without waiving the foregoing General and Specific Objections, Epic
12 will perform a reasonable search for documents pursuant to the Search Protocol and will produce
13 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through
14 that search.

15 **REQUEST FOR PRODUCTION NO. 65:** All Documents Relating to Your
16 analysis of the advantages and disadvantages of Distributing Your Apps via Sideloaded, including,
17 but not limited to, Pricing Models, target users, Distribution, competition, revenue, sales, profits, or
18 market share.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65:** Epic objects on the
20 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not
21 proportional to the needs of the case. Epic further objects to the extent the Request seeks
22 documents protected by the attorney-client privilege, the work product doctrine and/or any other
23 applicable privilege or protection.

24 Subject to and without waiving the foregoing General and Specific Objections, Epic
25 will perform a reasonable search for documents pursuant to the Search Protocol and will produce
26 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through
27 that search.

28 **REQUEST FOR PRODUCTION NO. 66:** Documents sufficient to show how You

Requests, including Request Nos. 20, 35, 41, 42, 43, 51, 54, and 55.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 75: All Documents, including analyses, Relating to Users' access to Your App or In-App Products through multiple Platforms, App Stores, or Distribution Channels.

RESPONSE TO REQUEST FOR PRODUCTION NO. 75: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the Request as vague and ambiguous, including the phrase "Relating to Users' access to Your App or In-App Products through multiple Platforms, App Stores, or Distribution Channels". Epic further objects to the extent the Request seeks documents that are not in Epic's possession, custody or control.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 76: All Documents Relating to the barriers and switching costs, as those terms are used in Your Complaint, to Distributing Your Apps or In-App products through a new or different Platform, App Store, or Distribution Channel.

RESPONSE TO REQUEST FOR PRODUCTION NO. 76: Epic objects on the grounds that the Request is overly broad and unduly burdensome. Epic further objects to the extent the Request is duplicative of other Requests, including Request Nos. 87 and 88.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection. Epic further objects to the extent the Request is duplicative of other Requests, including Request Nos. 13 and 64.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 86: All Documents Relating to Your decisions not to Distribute Your Apps and In-App Products through Amazon Appstore, Aptoide, LG Electronics App Store, and each other App Store that You have decided not to use as a Distribution Channel for Your Apps and In-App Products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 86: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection. Epic further objects to the extent the Request is duplicative of other Requests, including Request Nos. 13 and 85.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

REQUEST FOR PRODUCTION NO. 87: All Documents Relating to the costs to or impact on users of Your App from switching from an Android Device to an Apple Device or vice-versa.

RESPONSE TO REQUEST FOR PRODUCTION NO. 87: Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the Request as vague and ambiguous,